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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER NEWAY, SAMUEL G	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 10/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,390	Applicant(s) CREAMER ET AL.	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the Amendment filed on 22 August 2007.
2. Claims 1 – 3, 5 – 11, and 13 – 20 are still pending; claims 4, 12, and 20 are cancelled; claims 25 – 27 are new.

Response to Arguments

3. Applicant's arguments filed on 22 August 2007 have been fully considered but they are not persuasive.

Applicant argues that Mukherji fails to teach a single stream combining voice and text components. The Examiner respectfully disagrees.

As noted in the previous Office Action, Mukherji explicitly discloses that it is possible to combine voice and text streams "such that text information "piggybacks" in the voice packet" ("system 10 contemplates combining the two streams such that text information "piggybacks" in the voice packet", emphasis added, col. 5, lines 24-28).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 3, 5 – 8, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

Art Unit: 2626

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites, "embedding the translated text within the identified portions of the voice stream", this limitation was not described in the specification. The specification describes embedding the translated text in place of, not within, the identified inaudible portions.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 – 11, 13 – 19, and 21 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherji (USPN 7,117,152) in view of Admitted Prior Art.

Claim 9:

Mukherji discloses a system for providing a translation within a voice stream comprising:

means for receiving a speech signal in a first language; means for determining text from the speech signal ("Voice/text module 32 includes speech recognition modules capable of converting voice information received using microphone 38 into text", col. 4, lines 9-11);

means for translating the text to a second and different language ("voice/text module 32 may translate text from a first language to a second language", col. 4, lines 38-39).

But Mukherji does not explicitly disclose the system comprising: means for identifying inaudible portions of the speech signal and means for embedding the translated text in place of the identified portions of the speech signal.

Applicant discloses that perceptual encoders, such as MPEG codecs, wherein inaudible portions of a speech signal are removed, are known in the art ([0015] and [0016]). Mukherji further discloses combining text and speech streams together ("combining the two streams such that text information "piggybacks" in the voice packets", col. 5, lines 24-27).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to use perceptual encoders in Mukherji's method to identify and remove inaudible portions from a speech signal and embed text in place of the removed inaudible portions using Mukherji's piggybacking technique to achieve the predictable result of combining text and speech streams together.

Claim 10:

Mukherji and Admitted Prior Art disclose the system of claim 9, Mukherji further discloses means for transmitting the resulting speech signal ("voice information is then encoded into packets using CODEC 34, and these packets are transmitted ", col. 5, lines 12-17).

Claim 11:

Mukherji and Admitted Prior Art disclose the system of claim 9, Mukherji further discloses said means for embedding comprising including the translated text within the voice stream as digital information ("combining the two streams such that text information "piggybacks" in the voice packets", col. 5, lines 24-27).

Claim 13:

Mukherji and Admitted Prior Art disclose the system of claim 10, Mukherji further discloses:

means for receiving the voice stream including the translated text; and means for decoding the translated text ("voice/text module 32 receives packets encoding voice information from a remote location, retrieves the remote text information from the packets", col. 4, lines 21-24).

Claim 14:

Mukherji and Admitted Prior Art disclose the system of claim 13, Mukherji further discloses means for presenting a representation of the translated text ("displays the remote text information using visual display 30", col. 4, lines 21-24).

Claim 15:

Mukherji and Admitted Prior Art disclose the system of claim 14, Mukherji further discloses means for playing an audible representation of the received speech signal

("CODEC 34 decodes packets of information received from network interface 36 into audio signals for output using a speaker 40", col. 3, lines 64-66).

Claim 16:

Mukherji and Admitted Prior Art disclose the system of claim 15, Mukherji further discloses wherein the audible representation of the received speech signal is played substantially concurrently with the presentation of the translated text ("communications equipment 12 may display a substantially real-time transcript of a voice communications session for reference during the conversation", col. 4, lines 24-29).

Claims 17 – 19, and 21 – 24 are similar in scope and content to claims 9 – 11, and 13 – 16 and are rejected with the same rationale.

8. Claims 26 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherji (USPN 7,117,152) in view of Admitted Prior Art and in further view of Warnock et al (USPN 6,151,576).

Claim 26:

Mukherji and Admitted Prior Art disclose the system of claim 9, but they do not explicitly disclose the system comprising means embedding in the voice stream time stamp information associated with audible portions of the speech signal and the embedded text.

In a similar text and speech combination system, Warnock discloses embedding time stamps as claimed in the instant claim ("The mixed-media data stream is created

from two time-synchronized data streams", col. 2, lines 37-38, see also Fig. 1, item 120 and related text).

It would have been obvious to one with ordinary skill in the art at the time of the invention to embed time stamp information in Mukherji's system in order to enable the system to synchronize speech and text (Warnock, col. 2, lines 1-11).

Claim 27 is similar in scope and content to claim 26 and is rejected with the same rationale.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2626


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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